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January 2, 2024

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VIA ECF

Hon. Magistrate Judge Victoria Reznik
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

MEMO ENDORSED

Re: *IBM Corporation v. Micro Focus (US), Inc.*, Civ. No. 22-cv-9910

Dear Judge Reznik:

I write on behalf of Defendant Micro Focus (“Micro Focus”) to request leave, pursuant to the Southern District of New York’s Electronic Case Filing Rules & Instructions Rule 6.1, to file under seal its Reply in Support of its Motion for Protective Order and Exhibits 1, 2, 4-8, and 12 thereto.

Exhibits 1, 2, 4, 7, 8, and 12 contain material that IBM has designated as Highly Confidential under the Protective Order in this case. Exhibit 1 has been designated Highly Confidential by IBM under the Protective Order, while Exhibits 2, 4, 7, 8, and 12 contain excerpts of recent depositions and exhibits thereto of IBM’s current employees that must be treated as Highly Confidential under the Protective Order until the end of the Review Period (30 days after the final transcripts are available), which has not passed. Dkt. No. 113 ¶ 2(a)(iv). Exhibits 5 and 6 contain excerpts of recent depositions of Micro Focus’s current and former employees that must be treated as Highly Confidential under the Protective Order until the end of the Review Period. Accordingly, Micro Focus respectfully requests leave to file these excerpts under seal.

Micro Focus’s Reply cites excerpts from, and otherwise discusses the content of, these exhibits and, thus, Micro Focus requests permission to file its Reply and these exhibits under seal until the parties can meet and confer to determine what, if any, material should be redacted.

Defendant’s request to seal ECF Nos. 146, 146-1 to 146-2, 146-4 to 146-8, and 146-12 is **GRANTED** pending further submission by the parties.

Accordingly by 1/10/24, the parties are to meet, confer, and file a joint submission regarding their positions on what portions of the above-referenced documents should be seal and/or redacted.

The Clerk of Court is directed to maintain ECF Nos. 146, 146-1 to 146-2, 146-4 to 146-8, and 146-12 under seal and accessible only to selected parties pending further submission by the parties.

Respectfully submitted,

/s/Marcella Ballard
Marcella Ballard

SO ORDERED.

Hon. Victoria Reznik, U.S.M.J.

Dated: 1/3/24